

## **REMARKS**

### **I. Overview**

Claims 1, 2, 4-10 and 12-21 are pending in the present application. Applicants respectfully request reconsideration of the claims in view of the following remarks.

The issues raised by the Examiner in the current Office Action dated October 24, 2008 (*Office Action*) are as follows:

- Claims 1, 2, 4-10 and 12-21 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent Publication No. 2003/0225876 to Oliver, et al (hereinafter "Oliver").

Applicant respectfully traverses the outstanding claim rejections and requests reconsideration and withdrawal in light of the remarks presented herein.

### **II. Rejection under 35 U.S.C. § 103 in view of Oliver**

The pending claims are rejected under § 103(a) as unpatentable over the Oliver publication. The Oliver application is directed to a network management software system monitors and displays performance and capacity information about networks and computers using computer graphics similar to weather maps. (Abstract) Oliver teaches that a network map may be displayed to show logical or physical interconnections between the network elements. (¶[0021]) The network map may be stored as network resource model 310 in a master database 300. (Figure 3; ¶[0034]) The network map is used to determine what network elements should be monitored. (¶[0022]) Polling agents 220 are used to monitor the network elements. (Figure 2; ¶[0024]) Each network element may be colored based on the level of performance for a selected metric to give a graphic depiction of the network with color highlighting the performance of the overall network. (¶[0028]) The user may select performance metric data to be displayed on the network map. (¶[0054]) The color scheme used on the map may be based on a particular performance metric, multiple performance metrics, a worst-case element, a best performing element, or other conventional coloring scheme. (¶[0055]) Oliver does not disclose changing the elements or interfaces displayed on the network map. Instead only the color of the

elements is changed on the Oliver map, based upon selected performance metrics without regard to the capability of the polling agent or the availability to measure performance metrics.

Independent claim 1 recites:

modifying the visual network plan on the display device in comparison to a basic network plan according to which hardware and/or software exists in the protocol tester.

Oliver does not teach or suggest modifying its network map “according to which hardware and/or software exists” on the polling agent. Instead, Oliver merely modifies the colors displayed on its network map based upon selected performance metrics. The Oliver network map is not modified or changed in any way to reflect the capabilities of the polling agents.

Claim 1 further recites:

. . . an interpreter marks the elements for which a selection exists and/or which may be used for the configuration of the telecommunication measurement task according to the hardware and/or software of the protocol tester.

The Office Action fails to address the “interpreter” element. Applicant respectfully requests that the Examiner provide a detailed explanation of where this feature can be found in the Oliver reference so that Applicant may have a full and fair opportunity to respond to the rejection. Oliver does not teach or suggest this element. The Oliver disclosure provides no discussion as to the components and operation of the polling agent. Furthermore, Oliver does not teach or suggest marking the elements for which a selection exists or which may be used for the configuration of a telecommunication measurement task “according to the hardware and/or software of the protocol tester.” The Oliver network map is modified only based upon performance metric data without regard to the polling agent capability, operation or construction.

Claim 20 recites:

identifying one or more software application stored on the measurement device;

and claim 21 recites:

identifying one or more hardware components installed on the measurement device.

The Oliver application does not teach or suggest identifying software applications stored, or hardware components installed, on the measurement device. Instead, the Oliver disclosure is silent as to the components and operation of the polling agent. The Office Action does not specifically point out where these features can be found in Oliver, but instead points generally to paragraph [0025] to reject many of the dependent claims. Office Action at 3. Paragraph [0025] of Oliver does not teach or suggest identifying software applications or hardware components on the measurement device.

The Oliver reference fails to teach or suggest “modifying the visual network plan,” “an interpreter,” “identifying one or more software application,” or “identifying one or more hardware components.” Therefore, the pending claims are patentable over the Oliver application and should be passed to issuance.

Claims 2, 4-10, and 13-16 depend from independent claim 1 and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicant’s attorney at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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